

## MINUTES

FILED IN THE  
UNITED STATES DISTRICT COURT  
DISTRICT OF HAWAII

4/27/2007 4:30 pm

SUE BEITIA, CLERK

CASE NUMBER: CR 03-00368DAE  
CR 05-00244DAE  
CASE NAME: USA v. Peter Wong  
ATTYS FOR PLA: Flo Nakakuni  
ATTYS FOR DEFT: Sam King, Jr.  
USPO: Ellie Asasaki

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JUDGE: David Alan Ezra

REPORTER: Ann Matsumoto

DATE: 4/27/2007

TIME: 2:30pm-3:15pm

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COURT ACTION: EP: Sentencing to Count 1 of the Felony Information in **CR 05-00244DAE** as to Defendant Peter Wong; Sentencing to Count 14 of the First Superseding Indictment in **CR 03-00368DAE** as to Defendant Peter Wong.

Defendant Peter Wong present, not in custody.

The Memorandum Plea Agreement is accepted.

Presentence Report adopted. Sentencing recommendations heard. Allocution by Defendant Peter Wong.

### SENTENCE:

Imprisonment: 36 MONTHS, as to each of Count 1 of the Felony Information in CR 05-244DAE, and as to Count 14 of the First Superseding Indictment in CR 03-368DAE, with all such terms to run concurrently

Supervised Release: 3 YEARS, as to each of Count 1 of the Felony Information in CR 05-244DAE, and as to Count 14 of the First Superseding Indictment in CR 03-368DAE, with all such terms to run concurrently

### CONDITIONS:

1. Defendant shall abide by the standard conditions of supervision.

2. Defendant shall not commit any federal, state, or local crimes.
3. Defendant shall not possess illegal controlled substances.
4. Defendant shall cooperate in the collection of DNA as directed by the probation officer.
5. Defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of commencement of supervision and at least two drug tests thereafter, but no more than 8 valid drug tests per month during the term of supervision, unless there is a positive drug test, in which event the maximum shall increase up to one valid drug test per day.[DRUG TESTING IS WAIVED]
6. Defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon.
7. The restitution of \$7,550,625 is due immediately to the State of Hawaii, Department of Commerce and Consumer Affairs, State Insurance Division, State Insurance Commissioner, Attn: J.P. Schmidt, 250 S. King St., 5<sup>th</sup> Floor, Honolulu, Hawaii 96813. However, should the State Insurance Division close its interest in this case, restitution of \$7,550,625 shall be due to the victims and in the amounts identified in the Presentence Report. Any remaining balance upon release from confinement shall be paid during the period of supervision on an installment basis according to the collection policy of the Probation Office but at a rate of not less than 10 percent of his monthly gross income. Interest is waived.
8. Defendant shall execute all financial disclosure forms, and provide the Probation Office and the Financial Litigation Unit of the U.S. Attorney's Office access to any requested financial information to include submitting to periodic debtor's examinations as directed by Probation Office.
9. Defendant is prohibited from incurring credit charges and lines of credit without the approval of the Probation Office.
10. Defendant shall cooperate with the Internal Revenue Service and arrange for the payment of delinquent taxes, interest and penalties, and the filing of tax returns.
11. Defendant shall provide to the Probation Office a signed release authorizing credit checks and an accurate financial statement, with supporting documentation, as to all sources and amounts of income and all expenses of the defendant and any business owned, in whole or in part, by the defendant.

12. Defendant shall notify the Probation Office of any contemplated employment and shall obtain approval from the Probation Office for all employment. Unless the defendant is self-employed, he may not be employed in any capacity wherein he has custody, control, or management of his employer's funds.
13. Defendant shall provide the Probation Office with access to any and all business records, client lists, and other records, pertaining to the operation of any business owned, in whole or in part, by the defendant, as directed by the Probation Office.
14. Defendant shall submit to Voluntary Payroll Deduction for the payment of restitution, at the discretion and direction of the Probation Office.
15. Defendant shall maintain a single personal bank account, separate and apart from his wife, any family member or others, into which all income, financial proceeds, and gains shall be deposited and from which all expenses be paid.

Special Assessment: \$200.00. (\$100.00 as to CR 06-00244DAE and \$100.00 as to CR 03-00368DAE).

No fine.

JUDICIAL RECOMMENDATIONS: Lompoc, CA or Terminal Island, CA.

Defendant advised of his right to appeal.

Mittimus is stayed until 6/18/2007.

Defendant to self-surrender @2:00 p.m. on 6/18/2007 at the facility designated by the Bureau of Prisons. The time is the time at the facility.

Government's Oral Motion to dismiss all remaining counts as to this defendant only-  
GRANTED.

Current bail conditions of release to continue.

Submitted by: Theresa Lam, Courtroom Manager